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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-14-648 VC
)	
Plaintiff,)	
)	
v.)	
)	
DANIEL ROSENTHAL,)	
)	
Defendant.)	

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CHANGE OF
PLEA HEARING AND FOR
EXCLUDING TIME UNDER 18 U.S.C. §
3161 AS MODIFIED BY THE COURT
WITH PERMISSION OF COUNSEL**

The parties in this case stipulate to continue the change of plea hearing until Tuesday, August 19 at 1:00 pm. The purpose of the continuance is to allow defense counsel additional time to review the discovery to assess an appropriate loss figure attributable to her client in light of the anticipated amendments to the Sentencing Guidelines, § 2B1.1. The impending amendment has changed the loss table in a manner that may affect Mr. Rosenthal's Guideline calculation. The date requested also takes into account periods of unavailability for government counsel and defense counsel; specifically, government counsel is unavailable July 21 and July 28, 2015; defense counsel is unavailable August 4 and August 11, 2015.

The parties concur that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time for the purposes of effective preparation of counsel outweigh the best interests of the public and the

defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Accordingly, due to the reasons stated above, the parties jointly move to continue the date for the change of plea hearing. The parties further agree that it is appropriate that time be excluded from June 23, 2015 to August 19, 2015, to allow for the effective preparation of counsel.

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: June 19, 2015

/s/
KIM BERGER
Assistant United States Attorney

DATED: June 19, 2015

/s/
ELIZABETH FALK
Attorney for Defendant Daniel Rosenthal

~~PROPOSED~~ ORDER

For the reasons stated above the Court hereby CONTINUES the change of plea hearing from June 23, 2015 to August 18, 2015. The Court further finds that the exclusion from the time limits of this period applicable under 18 U.S.C. § 3161 is warranted from June 23, 2015 through August 18, 2015, and holds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that denying the requested exclusion of time would deprive the defendant effective preparation of counsel and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: June 22, 2015

THE HONORABLE
United States District Judge

